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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,660	06/25/2003	Bruno Murari	2110-58-3	4740

7590 05/11/2005

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EXAMINER

NGUYEN, THINH T

ART UNIT PAPER NUMBER

2818

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Supplemental Notice of Allowability

Application No.

10/606,660

Examiner

Thinh T. Nguyen

Applicant(s)

MURARI ET AL.

Art Unit

2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/2/2004.
2. ☒ The allowed claim(s) is/are 1-8,21-29 and 35-39.
3. ☒ The drawings filed on 25 June 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

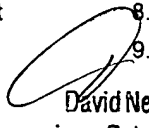
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
David Nelms  
Supervisory Patent Examiner  
Technology Center 2800

## **DETAILED ACTION**

### **Examiner's Amendment.**

1. Since the Applicant cancel claims 30-34 in the correction to the amendment in the communication with the Office on 11/02/2004.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312.

Claims 1-8,21-29, and 35-39 are allowed.

The reasons of allowance for claims 1-8 and claims 21-29 have been given in the previous office action.

The reasons of allowance for claims 35-39 are the following:

**A/ group A: Claims 35-36.**

Claims 35-36 are allowed because none of the references of record teaches or suggests the claimed MICROMACHINED OSCILLATING ELEMENT, IN PARTICULAR A MIRROR FOR OPTICAL SWITCHES having the limitations:

-- " a second substrate adjacent the intermediate layer, the second substrate including movable electrode regions formed in the second substrate, the movable

electrode regions including portions extending into the cavity with the portions being offset relative to the portions of the fixed electrode regions. "--

and all other limitations in claim 35.

**B/ group A: Claims 37-39.**

Claims 35-36 are allowed because none of the references of record teaches or suggests the claimed MICROMACHINED OSCILLATING ELEMENT, IN PARTICULAR A MIRROR FOR OPTICAL SWITCHES having the limitations:

-- "a second substrate adjacent the intermediate layer, the second substrate including movable electrodes formed in the second substrate, wherein the movable electrodes are not positioned opposing the fixed electrodes in an at rest condition of the device "--

and all other limitations in claim 37.

**Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thinh T Nguyen whose telephone number is 571-272-1790. The examiner can normally be reached on Monday-Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached at 571-272-1787. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Thinh T Nguyen



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David Nelms  
Supervisory Patent Examiner  
Technology Center 2800